



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BROOKS KUSHSMAN P.C./LEAR CORPORATION  
1000 TOWN CENTER  
TWENTY-SECOND FLOOR  
SOUTHFIELD MI 48075-1238**

**COPY MAILED**

**AUG 18 2008**

In re Application of	:
Pawel W. Sleboda et al	:
Application No. 10/049,993	: DECISION ON PETITION
Filed: February 18, 2002	: UNDER 37 CFR 1.182
Attorney Docket No. LDOS0230PUSA	:

This is a decision on the petition under 37 CFR 1.182, filed November 28, 2007.

The petition is **DISMISSED**.

The above-noted abandoned application failed to make a proper claim of priority to the prior-filed application. Petitioner now requests that the abandoned application be amended by inserting a reference to the earlier-filed application.

35 U.S.C. § 120 permits entry of a subsequent amendment to an abandoned application in applications filed prior to November 29, 2000 to include the benefit of an earlier filing date for purposes other than prosecution. See Sampson v. Commissioner of Patents and Trademarks, 195 USPQ 136 (DC DC 1976).

The amendment as drafted is unacceptable and, therefore, is not considered a proper reference. In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Before the petition can be granted, petitioner must submit a substitute amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.182.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITIONS  
                              Commissioner for Patents  
                              Post Office Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   Customer Service Window  
                              Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By fax:                   (571) 273-8300  
                              ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

A handwritten signature in black ink, appearing to read "Karen Creasy". The signature is fluid and cursive, with the first name "Karen" being more legible than the last name "Creasy".

Karen Creasy  
Petitions Examiner  
Office of Petitions